

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDEX # 04 CV 3994
FILED ON MAY 26, 2004

BRIAN T. SULLIVAN,

vs

ALAIN KODSI, et al.

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK , COUNTY OF NASSAU , SS.:

AFFIDAVIT OF SERVICE

Scott Fless _____, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides at New York, NY . On June 8, 2004 at 2 00 pm , at 96 PIERREPONT STREET, APT 1, BROOKLYN, NY 11201 , deponent served the within Summons in a Civil Case and Complaint

Individual Practices of Hon. G. Lynch, Electronic Case Filing Instructions, Procedures and Guidelines

on: RACHEL FOSTER (individually and as guardian of her children)

Defendant

(herein called recipient) therein named

INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

SUITABLE AGE PERSON By delivering a true copy of each to _____ personally, a person of suitable age and discretion. Deponent asked said individual if they were able to accept on behalf of said recipient and they responded with an affirmative. Said premises is recipient's [] actual place of business [] dwelling house or usual place of abode within the state.

AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's[] actual place of business [] dwelling house or usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion thereat, having called there: on the _____ day of _____ at _____
on the _____ day of _____ at _____
on the _____ day of _____ at _____

MAILING COPY Deponent also enclosed a copy of the said document(s) in a postpaid sealed wrapper, First Class Mail, marked "Personal and Confidential" and not indicating that the communication was from an attorney or concerned an action against the recipient(s). Said envelope was properly addressed to recipient at recipient's last known address at _____ and deposited the same in a post office under exclusive care and custody of the United States Postal Service within New York State on _____

DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

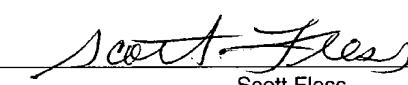
Gender: Female Color of skin: White Color of hair: Black Age: 35 - 40 Yrs. Height : 5' 7" - 5' 8"
 Weight : 100 - 125 Lbs. Other: _____

WIT. FEES the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

MILITARY SERVICE Deponent asked the person spoken to whether he/she was presently in the military service of the United States Government or of the State of New York and was informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform.
 Deponent asked the person spoken to, _____, whether the recipient was in active military service of the United States Government or of the State of New York in any capacity whatever and received a negative reply.
 The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in the military service of New York State or the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on this 25th day of June, 2004


JASON A. SACCONE
NOTARY PUBLIC, State of New York
No. 01SA6001537, Qualified in Nassau County
Commission Expires January 20, 2006


Scott Fless
Server's Lic. # 1029439
Affidavit # 9960690

ATTORNEY: Bryan Cave LLP , Ph: 212-541-3033

ADDRESS: 1290 Avenue of the Americas New York NY 10104 File No.: 01-78699

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